

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 19, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: President Frederic Umane
 Secretary Julie Dent

Commissioners Araujo, Polanco, Sampel, Schacher, Silie, Sipp, Soumas,
Stupp

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Steven H. Richman, General Counsel
John Owens, Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Steve Ferguson, Director, MIS
Thomas Sattie, Associate Staff Analyst
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: Joseph J. Savino, Chairman, Bronx County Republican
 Committee
 Alan Flacks, New York County Democratic Committee

President Umane called the meeting to order at 1:35 P.M.

President Umane reported that a Queens personnel matter would be
discussed in Executive Session.

Secretary Dent made a motion to table the draft minutes of May 5, 2009 and May 12, 2009. Commissioner Sampel seconded the motion, which was adopted unanimously.

The Executive Director gave the Commissioners a HAVA update. Mr. Cederqvist reported that the State Board of Elections was scheduled to send its draft proposed statewide Pilot Program to the Department of Justice. Mr. Cederqvist stated that they have not received a copy yet and it has not been posted on the State Board website so he has not seen the final version but he would distribute it as soon as it becomes available.

The Executive Director reported on the HAVA Task Force meeting that was held last week in Albany. He noted that he was able to participate in the meeting from the city by telephone and that most of the meeting was spent reviewing suggested changes to the Task Force's Implementation Plan. Mr. Cederqvist stated that he is awaiting an updated draft that will be put on the State Board's website and will be printed and put in the Commissioners' packet for their review.

The Executive Director informed the Commissioners that he testified before the New York City Council Committee on Governmental Operations

and Finance regarding the Fiscal Year 2010 Executive Budget. Mr. Cederqvist stated that he explained to the members of the committees that the Board faces a structural underfunding to provide its mandated tasks and that the Board has already conducted several Special Elections this year that were unfunded and will conduct two more on June 2nd that is similarly unfunded. Commissioner Schacher inquired on what the City Council is going to do to rectify the situation. Mr. Cederqvist replied that Chairs Weprin and Sears stated at the hearing that they intend to send a letter to the Mayor regarding this matter.

Commissioner Polanco stated that the Chiefs were asked to come up with a report to Executive Management regarding the population and increase of voter registrations and the financial impact it has on the Board. Mr. Polanco asked if this information was used in the testimony. Mr. Cederqvist stated that he had received information from the Bronx Borough Managers but not from all the boroughs. Commissioner Silie stated that it took the Chiefs a lot of time and effort to prepare the report and that they can be used to back-up the point that the Board is under funded. Mr. Cederqvist stated that the Borough reports still can be used to validate the need for more funding. President Umane asked that all Commissioners contact their local Council delegations with copies of the reports from their

respective borough offices so they all will have an understanding of how much adequate funding is needed.

The Executive Director informed the Commissioners that the “Popkin Bill” prohibiting the listing of various candidates for similar offices on designating petitions was passed by the legislature and is to be sent to the Governor. President Umane asked general Counsel to prepare a letter to be submitted to the Governor in support of the “Popkin Bill.” The Commissioners unanimously directed the general Counsel to prepare a letter to be submitted to the Governor.

The Executive Director informed the Commissioners that that the Election Commissioners Association Summer Conference will be held from Tuesday, June 23rd to Friday, June 26, 2009 at the Ramada in Geneva, NY. Mr. Cederqvist stated that he would ask for authorization at next weeks meeting regarding sending people to the conference. He also noted that the Association asked Mr. Gonzalez and Mr. Richman to give a presentation for the ECA on the experience of the Staten Island Special Election in February where the Board conducted the election entirely on paper ballots due to a last-second court decision that placed an additional candidate on the ballot that afternoon before the election.

The Executive Director reported that next scheduled VAC Meeting is on Thursday, May 28, 2009 from 1:00 P.M. – 3:00 P.M. The meeting is located at the Office of Veteran Affairs at 346 Broadway. Mr. Cederqvist stated that he is still awaiting information regarding this item and once he receives it, he will forward the information to the Commissioners.

The Director of MIS's item has been placed on hold.

The Coordinator of the Candidates Record Unit provided the Commissioners with the Draft Notice to Candidates for June 2, 2009 Special Election. Mr. LaRocca requested approval to post on the website and mail the notice out to the Candidates. Commissioner Silie made a motion to approve the Draft Notice to the Candidates for the June 2, 2009 Special Election. Commissioner Polanco seconded the motion, which was adopted unanimously.

On behalf of the Coordinator of Election Day Operations, Steven Thompson, Training Specialist, Election Day Operations, distributed a proposal to the Commissioners for CIDNY to Conduct Sensitivity Training for Adjunct Trainers. Mr. Thompson stated that CIDNY has monitored our poll workers with regard to interacting with disabled voters. Their

experience and their surveys allow them to see where our poll workers could use additional training in assisting disabled voters.

The plan Mr. Thompson presented proposed that CIDNY assist with the training of Adjunct Trainers to help them better understand and elevate their sensitivity concerning the needs of voters with disabilities. The Adjunct Trainers will incorporate what they learn into their Poll Worker Training. The Training will be held during May, June and July at a cost to the Board of \$9,500. The training would be executed under a HAVA Grant and the State will reimburse the BOE for 95% of the cost. The final cost to the BOE will be \$475. Commissioner Polanco inquired on number of Adjunct Trainers. Mr. Thompson stated that there are 100 Adjunct Trainers. President Umane moved the authorize CIDNY to Conduct Sensitivity Training for Adjunct Trainers. Secretary Dent seconded the motion, which was adopted unanimously.

The Finance Officer provided the Commissioners with the Comparative Expenditures Report for their review.

Commissioner Silie made a motion to have a party caucus. Following the party caucuses, President Umane called the hearings on the Prima

Facie Matters Relating to Certificates of Nomination Filed for the June 2, 2009 Special Elections for Member of the New York State Assembly in the 77th and 85th Assembly Districts for the Bronx County.

The General Counsel stated that there were two preliminary Prima Facie defects identified and they have the same defects. Mr. Richman stated that the first relates to the Certificate of Nomination nominating Barbara L. Bowlin as the candidate of the Republican Party as a Member of the Assembly in the 77th Assembly District in the Special Election to be held on June 2, and filed with the Board on May 11th. The second relates to the Certificate of Nomination nominating Leopold L. Paul as candidate of the Republican Party for Member of the Assembly in the 85th Assembly District in the June 2, Special Election. Mr. Richman stated that in both instances the Certificate of Nomination filed states in pertinent part that “We the undersigned Chairman and Secretary of the Bronx County Republican Club at a meeting of the Executive Committee of the Bronx County Republican Club, held on May 9, 2009...pursuant to the law and by laws on the Bronx County Republican Club; Do hereby certify that a quorum of the Executive Committee of the Bronx County Republican Club attended the meeting and nominated”, the perspective candidates. Mr. Richman stated that two sworn affidavits were submitted by Elizabeth English, Secretary of the

Bronx County Republican County Committee and Joseph J. Savino, Chair,
Bronx County Republican County Committee.

President Umame asked if any one wishes to be heard on this matter. The Chair of the Bronx County Republican County Committee, Joseph J. Savino stated he is present in case the Commissioners have any questions regarding the documentation that was provided. Mr. Richman stated that the affidavits were submitted in opposition to the Board of Elections, preliminary determination of a Prima Facie defect dated May 12, 2006. Mr. Richman stated that each of the two certificates contains the same typographical error, the word "Club" was typed in error; it should have read "Committee". This was an error, the type which the Board has in the past excused with an explanation (i.e. "The Printers' Letter") in other circumstances. Commissioner Silie made a motion to approve the preliminary determination of a finding of a prima facie defect in both certificates. Commissioner Sampel seconded the motion.

President Umame explained that a vote yes would sustain the finding of Prima Facie defect.

In a roll call vote, five (5) Commissioners (Dent, Araujo, Sampel, Silie

and Soumas) voted in favor of the motion, and five (5) Commissioners (Umane, Polanco, Schacher, Sipp, and Stupp) voted against the motion. Therefore, the motion was not adopted and the candidates remain on the ballot.

President Umame made a motion to convene an Executive Session to discuss personnel and litigation matters. Secretary Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public session resumed and President Umame reported that in Executive Session, the Commissioners took the following actions:

- I. Unanimously appointed Joseph Duffy, Computer Operator in the Executive Office, as an Administrative Associate in the MIS Department, at an annual pay rate of \$44,646, effective last Sunday.
- II. Unanimously authorized Steve Ferguson, Director of MIS, to issue his draft to George Stanton, New York State Board of Elections, MIS Department.
- III. Unanimously adopted the following statement, "The specifications of objections shall be prepared using ink"

of Rule H1 of the Board's 2009 Designating and Opportunity to Ballot Petition Rules, and directed it be included in the Calendar and Rules booklet distributed by the Board and posted on the Board's website.

Commissioner Stupp made a motion to adjourn the meeting. Commissioner Schacher seconded the motion, which was adopted unanimously.

The next Commissioners' meeting is scheduled for Tuesday, May 26, 2009 at 1:30 PM.